

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

[illegible]

ORDER

AND NOW, this day of ,2016, upon consideration of the Spousal Creditor's, James DiDio, Motion for Relief From Stay of Proceedings to Engage in Arbitration of Domestic Financial Claims (The "Motion"), and the response of Debtor and any other interested parties thereto, if any, and the hearing on the matter held on December 28, 2016, it is hereby

ORDERED AND DECREED that the Motion is hereby GRANTED, and it is

FURTHER ORDERED AND DECREED that the stay pertaining to all matters related to arbitration of the domestic financial claims is hereby removed and that all matters pertaining to the said arbitration may proceed in and be determined by the Court of Common Pleas of Montgomery County, Pennsylvania.

BY THE COURT:

ERIC L. FRANK, CHIEF UNITED
STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Marla J. Green	:	
	:	Debtor
	:	CHAPTER 11
	:	BKY. NO. 16-15344 ELF

**MOTION OF JAMES DIDIO, SPOUSAL CREDITOR, FOR RELIEF FROM THE
AUTOMATIC STAY OF EQUITABLE DISTRIBUTION PROCEEDINGS**

Spousal Creditor, James DiDio, (“Husband”), by his undersigned counsel, hereby moves this Honorable Court for relief from the stay of the equitable distribution proceedings currently pending in the Montgomery County, Pennsylvania, Court of Common Pleas at Docket No. 2014-27093 (the “Domestic Matter”). In furtherance of this motion, Husband hereby incorporates his opposition to Debtor’s motion to reject the arbitration agreement (docket at No. 81) and the Court’s Order of November 28, 2016 (docket at No. 82).

I. BACKGROUND

1. On November 28, 2016, this Court held a hearing on Debtor’s Motion to Reject Executory Contract (at Docket No. 46, involving the parties’ agreement to arbitrate in the Domestic Matter) and entered an Order denying said motion (Docket No. 81).
2. On July 28, 2016, virtually the eve of the arbitration proceeding scheduled to take place on August 3, 2016, Debtor filed this Bankruptcy proceeding. Husband Creditor has averred and continues to aver that the principal reason that Debtor - who does in fact have sufficient financial resources to pay her debts – was to cause a further delay in the resolution of the Domestic Matter, including support owed to Husband Creditor and the financial proceedings, including equitable distribution, before the arbitrator.
3. Now that this Honorable Court has granted Husband Creditor’s motion for relief from the stay of enforcement of post-petition domestic support obligations (see Order of 11/28/2016,

Docket No. 83), and denied Debtor's Motion to Reject Executory Contract; Husband Creditor is requesting that the automatic stay as to the arbitration of financial matters in the Domestic Matter now be lifted and that the parties shall proceed in the Montgomery County Court of Common Pleas and complete the arbitration proceedings.

WHEREFORE, Husband respectfully requests that this Honorable Court grant relief from the automatic stay and permit Husband to move forward with the arbitration of financial issues in the Domestic Matter in the Court of Common Pleas of Montgomery County, Pennsylvania.

Respectfully submitted,

Law Offices of Andrew Teitelman P.C.

By: /s/Andrew Teitelman

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Dated: December 1, 2016

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Marla J. Green :
Debtor : CHAPTER 11
: BKY. NO. 16-15344 ELF

CERTIFICATE OF SERVICE

Andrew Teitelman does hereby certify that he did serve a true and correct copy of the following documents upon the Office of the U.S. Trustee, and any other person of record in this case to receive ECF service, and persons of interest, on this 1ST day of December, 2016: Motion of James DiDio, Spousal Creditor, to For Relief From Stay of the domestic arbitration proceedings, proposed Order, and this Certificate of Service, and as noticed:

By: ECF

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Dated: November 16, 2016